



Department of Planning, Building and Code Enforcement Planning Divisions, 801 North First Street, Rm 400 San Jose, California 95110-1795 (408) 277-4576

Website: www.ci.san-jose.ca.us/planning/sjplan

# INSTRUCTIONS FOR FILING A HISTORIC PRESERVATION PERMIT/AMENDMENT

#### **INSTRUCTIONS**

Please prepare the plans, forms and other required information listed below and return them, by appointment, to the Department of Planning, Building and Code Enforcement. Applications will only be accepted for processing if they are complete. Consult approved design guidelines where applicable. Where guidelines do not apply, please read "The Secretary of the Interior's Standards for Rehabilitation" which is attached to this application. The Standards for Rehabilitation are basic principles to help preserve the distinctive character of a historic building and its site.

- Completed Application Forms. A separate application shall be filed for each site. Each application shall be signed by all owners of the real property included in the site or by a person having the lawful power of attorney therefore or by a qualified tenant. The application may designate an agent who has full authority to act on behalf of the applicant, except that the agent may not sign the application, acceptance or withdrawal. Original signatures are required.
- 2. **Description of Parcel Property.** A legible, separate legal metes and bounds description on a 8 1/2" x 11" page(s) covering the area of this application, or lot and tract numbers on a 8 1/2" x 11" page(s) with a copy of the recorded tract map attached, and a plot map delineating the permit area.
- County Assessor's Parcel Map. Provide a copy of the Assessor's Parcel Map (APN) showing the subject property. This map can be obtained from the County Assessor's Office at 70 West Hedding Street, 5th Floor, San Jose, CA or from the Planning Division, City Hall, Room 400.
- 4. Noticing the Neighborhood. Refer to the Public Outreach Policy for a full description of the City's public notification procedures. Public Hearing notices will be mailed for development proposals at least 10 calendar days before the date set for hearing for a project. Notices will be sent to all property owners and residents within 300 feet for Very Small projects, 500 feet for Standard Development Proposals and a minimum of 1,000 feet for large or controversial projects as detailed in the Public Outreach Policy.

- 5. **Development Plan Sets.** For Single-Family homes, three (3) full size 24" x 36" plan sets plus one (1) legible blackline plan set reducted, 11" x 17". For all other submittals, seven plan sets that include:
  - Title Sheet
  - Land Use Plan (from the General Development Plan, if applicable)
  - Site Plan
  - Grading and Drainage Plan, if applicable to the project
  - Elevations, architectural details, etc.

Plus one Landscape Plan, if applicable. A description of the Development Plan Set requirements is included with these instructions.

- 6. **Photographs.** Photographs of existing elevations of all structures. Each photograph shall be labeled.
- 7. **Environmental Review.** A complete application for the appropriate environmental document or some evidence that environmental review has been completed for this project.
- 8. **Fees.** Application fees are required for the Historic Preservation Permit. An Environmental Clearance Application fee may be required and a Public Noticing Fee is applicable (see fee schedule). Checks are made payable to the "City of San Jose".
- 9. Name of Property. Provide the name of the property, generally a street address. If the building is known by a historic name, include the name also. (These names should be consistent with the names provided on the Part 1 or on the National Register nomination.) If it is in a registered historic district, provide the name of the district.
- 10. Data on Building and Rehabilitation Project. Provide date of construction, type of construction (e.g., masonry bearing wall, wood frame, steel frame, concrete.) Give the use(s) of the building before rehabilitation, the proposed use after rehabilitation. Give the approximate floor area before rehabilitation in square feet and approximate floor area after rehabilitation in square feet.

## HISTORIC PRESERVATION PERMIT/AMENDMENT

11. Detailed Description of Rehabilitation Work. Begin by describing site work, followed by work on the exterior, including new construction. A separate block should be used to describe each work item, its effect on architectural features or spaces, and how it does or does not meet applicable design guidelines or where there are no guidelines, the Secretary of the Interior's Standards (see attached). Identify the architectural feature requiring work and indicate whether the feature described is original to the building, was added at a later date, or is new construction.

Please call our Appointment Desk at 277-8820 for an application appointment.

### **DEVELOPMENT PLAN SET**

The Development Plan Set shall set forth, show and delineate the following:

- 1. All sheets shall be of uniform size 24" x 36" is the maximum sheet size (sheets of larger size shall require prior approval before filling the application).
- 2. All sheets shall be numbered in proper sequence and numbers located in the lower right hand corner of each page.
- 3. All sheets shall be dated and adequate space provided for dates and nature of all revisions.

### Sheet No. 1. Title Sheet:

- a. Name of project and description of proposed use
- b. Listing of any prior development permits issued for the subject site
- c. Table of contents listing all plan set sheets, their content and page number
- d. Note Landmark designation and resolution numbers

**Sheet No. 2. Site Plan:** drawn to scale, may require more than one sheet labeled "Site Plan" to include the information listed below:

- a. Location map and Assessor's Parcel Numbers
- b. Statement and tables:
  - 1. Total acres of subject property (net and gross)
  - 2. Total number of dwelling units
  - 3. Total existing and proposed gross square footage of floor space for each non-residential
  - 4. Total existing and proposed net square footage of floor space (85% of gross) for each non-residential use
  - 5. Total number of existing and proposed offstreet parking and loading spaces

- Percentage of proposed site coverage for buildings, off-street parking and loading, and landscaping
- 7. Residential density (number of dwelling units per acre)
- Use of all adjacent properties (indicate any historic designated properties), including location of any buildings or freeways within 50 feet of property lines
- d. Dimensions of subject property and all existing lot lines
- e. All existing and proposed buildings, structures and wells and their proposed uses, including the proposed removal of any building (information should be clearly delineated on the site plan)
- f. Proposed off-street parking, loading, and circulation areas
- g. All existing and proposed public and private easements for utility, drainage, sewer, parking, access and other purposes, and all easements on surrounding properties benefitting the subject property
- h. Fully dimensioned public right-of-way improvements for both sides of adjacent streets showing accurate locations for existing and proposed facilities such as streets, curbs, sidewalks, sidewalks planters, street trees, utility poles, electroliers, traffic signs and signals, storm sewers, sanitary sewers, fire hydrants, median island and median island openings, project driveways, driveways on opposite street frontages, bus stops, drainage inlets and manholes
- Location of existing and proposed on-site lighting fixtures

## Sheet No. 3. Grading and Drainage Plan:

- a. Topography with pad elevations for the site and all property within 50 feet
- b. Existing trees, specifying size, species, condition and disposition
- c. All existing and proposed retaining walls, swales and inlets

### Sheet No. 4. Building Elevations:

- a. Dimensioned elevations of all exterior walls
- b. Type of roof, wall and trim materials, colors and textures
- c. Attached and detached sign details, designs and locations
- d. Changes or additions to existing buildings or materials clearly identified

### Sheet No. 5. Floor Plan:

- a. Total gross floor area
- b. Total square footage of leasable floor area (i.e. 85% of gross)

## Sheet No. 6. Landscape Plan:

- All areas to be landscaped, whether maintenance is to be public or private (Public maintenance areas are subject to City Standards and must be included in improvement plans for a Public Works Clearance)
- b. Location, size and identification of each tree, shrub, ground cover and other landscape feature
- c. All property lines and street names
- d. Location of existing and proposed walks, driveways, fences, pools, ponds, water features, retaining walls
- e. Typical details of spray, ground cover, shrub, and tree irrigation installations
- f. Standards for class of irrigation pipe, depth of pipe and backflow preventers

**Note:** A conceptual irrigation plan may be required for some projects once the site layout is resolved. Refer to the City of San Jose Landscape and Irrigation Guidelines for required details.

### Sheet No. 7. Details:

- Details for proposed fences, walls, trash enclosures, roof equipment screening and lighting
- b. Details for any atypical building features

#### PROCESSING SCHEDULE

## Planning Staff:

- Checks the application for completeness.
- Logs in application, assigns a File Number and collects application fees.
- Reviews application with other City departments and obtains any pertinent data.
- Environmental review for project is assessed and completed
- Refers the project to the Historic Landmarks Commission for input
- Prepares project for Director's Hearing which includes public hearing notices and recommendation to the Director of Planning.

## **Director of Planning:**

- The Director conducts a public hearing
- Director reviews the recommendation and approves, conditional approves, or denies the requested application
- An approval, conditional approval or denial of the Director of Planning may be appealed to the City Council within ten (10) days of the decision

## City Council:

- The City Council will consider and act upon the appeal
- If the appeal is denied, the decision of the City Council shall be final
- If the appeal is granted, the decision shall be effective immediately





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## HISTORIC PRESERVATION PERMIT/AMENDMENT APPLICATION

TO BE COMPLETED BY THE PLANNING STAFF

FILE NUMBER								
HP		RECEIPT #:						
PROJECT LOCATION	NC							
		AMOUNT:						
ZONING	GENERAL	COUNCIL	INVENTORY	DATE:				
	PLAN	DISTRICT	NUMBER	DATE.				
				BY:				
TO BE COMPLETED BY THE APPLICANT								
(PLEASE PRINT OR TYPE)								
Pursuant to the Provisions of Chapter 13.48 of the San Jose Municipal Code, application is made to request a:								
HISTORIC PRESERVATION PERMIT  AMENDMENT TO A HISTORIC PRESERVATION PERMIT PREVIOUS HP PERMIT FILE NUMBER HP								
FOR THE PROPERTY LOCATED AT:								
ASSESSOR'S PAR	CEL NUMBER(S) (AF	PN) GROS	SS ACREAGE	NET ACREAGE				
EXISTING USE		<b>-</b>						
OF PROPERTY								
PROPOSED USE C	OF PROPERTY OR SU	BJECT OF AMEN	DMENT					
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IF PROPOSAL IS RESIDENTIAL - NUMBER OF UNITS			IF PROPOSAL IS NON-RESIDENTIAL - NEW GROSS BUILDING SQUARE FOOTAGE					
THE FO	THE FOLLOWING EXHIBITS ARE ATTACHED HERETO AND MADE A PART THEREOF BY REFERENCE.							
☐ A LEGAL DESCRIPTION OF SUBJECT PROPERTY - EXHIBIT A								
	THE COMPLET	E DEVELOPMEN	Γ PLAN SET FOR THE SUBJEC	T PROPERTY, ENTITLED				
DATED / / AND LAST REVISED / / ,								
CONSISTING OFSHEETS								

## AFFIDAVIT OF OWNERSHIP

## THE UNDERSIGNED HEREBY DECLARE THAT THE FOLLOWING IS TRUE AND CORRECT: The undersigned are all the owners of all the property described in Exhibit A - Legal Description of Subject 1 Property, or tenants of the entire subject site with a recorded lease and a term remaining of at least five years. The development plans a part of this application show the exact location, size, and use of all easements on the subject site and all easement on surrounding properties benefiting the subject property. If there are any existing active or deactivated water wells on your property, they must be shown on your plans. The property which is the subject of this application: does contain existing active or deactivated water wells and they are shown on the plans accompanying this application \_does not contain existing active or deactivated water wells. In conformance with Section 65962.5 of the California Government Code, and as owner(s) of the property referenced below, I(we) hereby certify that I(we) have reviewed the list of Hazardous Waste and Substance Sites within the City of San Jose, as compiled by the State Office of Planning and Research. The property which is the subject of the above-referenced application is \_\_\_\_\_ is not\_\_\_\_included on said If included on the List, the listed item reads as follows: **PRINT NAME OF PROPERTY OWNER** DAYTIME TELEPHONE # **ADDRESS** CITY STATE ZIP CODE NAME OF FIRM, IF APPLICABLE TITLE OR OTHER OFFICIAL CAPACITY \* **SIGNATURE** DATE

₱ PLEASE STATE IF YOU ARE A PARTNER, PRESIDENT, VICE-PRESIDENT, ETC...

IF THERE ARE ADDITIONAL PROPERTY OWNERS, PLEASE USE THE FOLLOWING PAGE TO PROVIDE THE ABOVE INFORMATION.

## **AFFIDAVIT OF OWNERSHIP**

THE UNDERSIGNED HEREBY DECLARE THAT ITE TRUE AND CORRECT, AND DECLARE THAT THEY TION APPLIES TO THEIR PROJECT:					
PRINT NAME OF PROPERTY OWNER		DAYTIME TELEPHONE #			
		( )			
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PLEASE STATE IF YOU ARE A PARTNER, PRESIDENT, VIC	E-PRESIDENT, ETC	•	<del>-</del>		
IF THERE ARE ADDITIONAL PROPERTY OWNERS, PLEASE AT INFORMATION.	TACH A SEPARATE C	OPIES OF THI	S PAGE TO PROVI	DE THE ABOVE	

CONTACT PERSON									
That for the purpose of processing and coordination of this application, the following person is my (our) designated representative/contact person:									
PRINT NAME OF CONTACT PERSON			NAME OF FIRM, IF APPLICABLE						
ADDRESS	CI	TY	STATE	ZIP CODE					
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			E-MAIL ADDRESS						
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PROJECT DEVELOPER									
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## HISTORIC PRESERVATION PERMIT/AMENDMENT CHECK SHEET

**NOTICE TO APPLICANT:** *Do not complete* this form. Present at time of application. Your application will be accepted *only* if *all* items are included in correct form and numbers. Please be advised, however, that the items on this check sheet do not necessarily constitute a complete application. Additional items may be required to complete the review of your project. DATE FILE NUMBER **STAFF RECEIVED** REQUIRED **DOCUMENTS COPIES APPLICATION FORM correctly filled out** Applicant(s) - listed as owner(s) or qualified tenants of subject property Signature(s) of owner(s) listed above ☐ Contact Person identified Architects, Engineers and Developers identified Affidavit Page signed by owner(s) 1 LEGAL DESCRIPTION Single metes and bounds description of entire property or Lot and tract number from recorded subdivision map, and copy of said tract map Plot map of delineating the Permit Area (8 1/2" x 11") COUNTY ASSESSOR'S MAP 1 **DEVELOPMENT PLAN** (consult application instructions for specific requirements) Attached in sets in correct order 7 sets Title Sheet Land Use Plan from General Development Plan set, if property is zoned PD 10 extra Site Plan Grading and drainage, if applicable Floor plans **Building Elevations** 1 extra Landscape plan, if applicable Details FOR SINGLE-FAMILY HOMES Plan Sets, full-size 24" x 36" plus 3 sets Legible black line plan set, reduced 11" x 17" 1 **ENVIRONMENTAL REVIEW** Draft EIR or 5 Completed Application for Environmental Clearance which includes: 1 **Photographs** Vicinity and location maps Signed disclosure forms Request for Environmental Exemption or Some evidence that environmental review has been completed **FEES** Application Fees ☐ Environmental Fees Public Noticing Fees Record Retention Fees

## The Secretary of the Interior's Standards for Rehabilitation

The Secretary of the Interior's Standards for Rehabilitation are ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs. The underlying concern expressed in the Standards is the preservation of significant historic materials and features of a building in the process of rehabilitation. The Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility.

The Standards (**36 CFR Part 67**) apply to historic buildings of all periods, styles, types, materials, and sizes. For the purposes of the City of San Jose's Historic Preservation Permit, the Standards are applied to exterior work, not interior work. The Standards also encompass related landscape features and the building's site and environment as well as attached, adjacent, or related new construction.

This information is drawn from the National Parks Service website <a href="http://www2.cr.nps.gov/e-rehab/getoknow">http://www2.cr.nps.gov/e-rehab/getoknow</a> index.htm

Part of the application should have spaces for the applicant to describe how their project meets these standards.

## Standard 1: Choose an appropriate use.

- A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- ✓ Choosing an acceptable use for a historic building is the first important step toward its preservation. Of course, continuing to use a building for its historic purpose tends to minimize the need for change, so is preferred. But many times that is not possible, so Standard 1 allows for a change of use, such as using a historic residential building for a commercial purpose. It is important to keep in mind, however, that a new use that requires extensive changes to historic materials, features, finishes, and spaces will likely violate Standard 1.

## Standard 2: Preserve character-defining materials and features.

- The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- ✓ Each historic building and its site has special visual qualities that should be preserved. Removing, altering, or covering over distinctive materials, features, and spaces is inappropriate. Some specific actions to avoid include making major changes to the front of a building or other significant elevations; altering a distinctive interior plan; removing historic plaster to expose a brick wall; installing a new ceiling that destroys a historic plaster cornice; or

destroying historic landscape features, such as a cast iron fence or major plantings. On the other hand, making changes to a non-significant rear elevation may be acceptable if the alterations are in keeping with the overall appearance of the building. Similarly, secondary interior spaces may often be altered successfully in rehabilitation—as may non-significant landscape features—and a project can meet Standard 2.

# Standard 3: Retain the sequence of historical development.

- Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- ✓ A historic building is an important record of its past, reflecting its original construction as well as its various uses and changes over time. To make a building appear as if it were older than it actually is, for example, by applying an earlier architectural style or decorative details, will falsify its history and, as a result, not meet Standard 3.

# Standard 4: Consider later changes as potentially significant.

- 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- ✓ Buildings evolve over time as the people who live and work in them decide to make changes. This may include alter-

ations and additions (such as new storefronts, porches, windows, rooms, and even entire floors). Sometimes these changes have acquired significance in their own right because they provide evidence of the historical evolution of the building or are important examples of an architectural style, material, or method of construction. To meet Standard 4, significant later changes need to be retained during rehabilitation; on the other hand, non-significant later changes may be removed.

# Standard 5: Protect distinctive construction and craftsmanship.

- 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- ✓ Architectural and landscape features play a major role in defining the unique historic appearance of a building and its site. Removing or drastically altering distinctive features, such as a porch, bay, chimney, decorative detailing, walkways, or trees can result in the loss of that special character and violate Standard 5. Other visual changes, such as painting historically unpainted brick or stone walls, are also inappropriate.

## Standard 6: Repair rather than replace.

- 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- ✓ Since a building's historic character is really the sum of its parts, it is always best to retain and repair distinctive historic features. But when a feature is too deteriorated to repair, then it has to be replaced. The replacement feature should match the historic one, based on physical, pictorial or documentary evidence—never on conjecture! It is always preferable to use the same material too; for example, replacing a badly deteriorated wood bracket with a new wood bracket will meet Standard 6

## Standard 7: Avoid destructive physical and chemical treatments.

Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

✓ Buildings are often cleaned to remove harmful pollutants or chemicals from surfaces. Sometimes buildings are cleaned to make them more attractive. Whatever the reason, it is important that destructive methods be avoided and gentle methods used. Sandblasting, for example, will destroy the surface of brick and stone, pit most metals, and raise the grain on wood. Using chemicals incorrectly will also damage historic materials. Similarly, the incorrect use of water or steam to clean a building may damage historic materials and not meet Standard 7.

## Standard 8: Protect significant archeological resources.

- 8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- ✓ When an archeological discovery is made during rehabilitation (for instance, when excavating for a foundation for an addition or grading for a new parking lot), a trained archeologist should be called in to evaluate the findings. Significant archeological resources should be protected and preserved in place. If this is not possible, the archeological material should be documented and recovered according to accepted practices. If human remains are uncovered, stop work immediately and consult with appropriate state and local officials—it's the law in every state.

# Standard 9: Make alterations and new additions compatible.

- 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- ✓ When extra space is needed for a new use, historic building owners may consider constructing an addition. A new addition needs to be designed with sensitivity to protect distinctive historic materials and features from damage or destruction. The new work also needs to be compatible with the historic building's character. Compatibility between old and new is achieved through the thoughtful application of basic architectural principles (massing, size, scale, setback, rhythm, and proportion), as well as the selection of appropriate materials and color. A compatible new addition will meet Standard 9. However, creating a new addition that so closely resembles the historic building that old and new are indistinguishable will fail to meet Standard 9.

### Standard 10: Make new additions reversible.

- 10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- ✓ A new addition should be constructed in a manner that—if removed at a later date—the historic building's distinctive form and materials would be kept intact to the greatest extent possible. Standard 10 is often called the "principle of reversibility." Generally, placing an addition on a nonsignificant side or rear elevation can help achieve this goal, as well as being mindful of the addition's size and scale.

### INFORMATION FOR APPLICANTS

## **BEFORE YOU BEGIN REHABILITATION**

From the National Parks Service website

Before you begin rehabilitation, the historic building and its site should be documented, evaluated, assessed, and the work carefully planned. This will provide a history of the property, its occupants, and its uses over time, but perhaps more important, it will help guide your decisions about what must be repaired and preserved during rehabilitation, and what may be altered, if necessary, for the ongoing or new use.

### **DOCUMENT**

The history and evolution of the building by researching written and graphic documents found in libraries, archives, and historical society collections, as well as National Register of Historic Places listings. Then examine the building itself, taking photographs of the interior, exterior, and the site before you begin any work.

#### **EVALUATE**

Original materials, features, finishes, and spaces as well as changes that have occurred with different occupancies and uses. The changes may or may not be an integral part of the historic character so they need to be considered very carefully prior to work.

#### **ASSESS**

The physical condition of historic materials, features, finishes, and construction systems to determine those that are sound, those that require repair, and those that may need to be replaced. PLAN A rehabilitation project to decide how historic materials, features, and finishes should be protected during construction, as well as to establish a logical sequence for the work.

For more information, please refer to the National Parks Service website:http://www2.cr.nps.gov/e-rehab/beforebegin\_index.htm